

# **EXHIBIT 4**

Sen. Terry Link

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09500SB2400sam004

LRB095 19768 RPM 49426 a

1 AMENDMENT TO SENATE BILL 2400

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2400, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Biometric Information Privacy Act.

7 Section 5. Legislative findings; intent. The General  
8 Assembly finds all of the following:

9 (a) The use of biometrics is growing in the business and  
10 security screening sectors and appears to promise streamlined  
11 financial transactions and security screenings.

12 (b) Major national corporations have selected the City of  
13 Chicago and other locations in this State as pilot testing  
14 sites for new applications of biometric-facilitated financial  
15 transactions, including "Pay By Touch" at banks, grocery  
16 stores, gas stations, and school cafeterias.

1 (c) Biometrics are unlike other unique identifiers that are  
2 used to access finances or other sensitive information. For  
3 example, social security numbers, when compromised, can be  
4 changed. Biometrics, however, are biologically unique to the  
5 individual; therefore, once compromised, the individual has no  
6 recourse, is at heightened risk for identity theft, and is  
7 likely to withdraw from biometric-facilitated transactions.

8 (d) An overwhelming majority of members of the public are  
9 opposed to the use of biometrics when such information is tied  
10 to personal finances and other personal information.

11 (e) Despite limited State law regulating the collection,  
12 use, safeguarding, and storage of biometric information, many  
13 members of the public are deterred from partaking in biometric  
14 identifier-facilitated facility transactions.

15 (f) The public welfare, security, and safety will be served  
16 by regulating the collection, use, safeguarding, handling,  
17 storage, retention, and destruction of biometric identifiers  
18 and information.

19 Section 10. Definitions. In this Act:

20 "Biometric identifier" means any indelible personal  
21 physical characteristic which can be used to uniquely identify  
22 an individual or pinpoint an individual at a particular place  
23 at a particular time. Examples of biometric identifiers  
24 include, but are not limited to iris or retinal scans,  
25 fingerprints, voiceprints, and records or scans of hand

1 geometry, facial geometry, or facial recognition. Biometric  
2 identifiers do not include writing samples, written  
3 signatures, photographs, tattoo descriptions, physical  
4 descriptions, or human biological samples used for valid  
5 scientific testing or screening. Biometric identifiers do not  
6 include donated organs, tissues, or parts as defined in the  
7 Illinois Anatomical Gift Act or blood or serum stored on behalf  
8 of recipients or potential recipients of living or cadaveric  
9 transplants and obtained or stored by a federally-designated  
10 organ procurement agency. Biometric identifiers do not include  
11 biological materials regulated under the Genetic Information  
12 Privacy Act. Biometric identifiers do not include information  
13 captured from a patient in a health care setting or information  
14 collected, used, or stored for health care treatment, payment,  
15 or operations under the federal Health Insurance Portability  
16 and Accountability Act of 1996. Biometric identifiers do not  
17 include an X-ray, roentgen process, computed tomography, MRI,  
18 PET scan, mammography, or other image or film of the human  
19 anatomy used to diagnose, prognose, or treat an illness or  
20 other medical condition or to further valid scientific testing  
21 or screening.

22 "Biometric information" means any information, regardless  
23 of how it is captured, converted, stored, or shared, based on  
24 an individual's biometric identifier used to identify an  
25 individual. Biometric information does not include information  
26 derived from items or procedures excluded under the definition

1 of biometric identifiers. Biometric information does not  
2 include information captured from a patient in a health care  
3 setting or information collected, used, or stored for health  
4 care treatment, payment, or operations under the federal Health  
5 Insurance Portability and Accountability Act of 1996.

6 "Confidential and sensitive information" means personal  
7 information that can be used to uniquely identify an individual  
8 or an individual's account or property. Examples of  
9 confidential and sensitive information include, but are not  
10 limited to, a genetic marker, genetic testing information, a  
11 unique identifier number to locate an account or property, an  
12 account number, a PIN number, a pass code, a driver's license  
13 number, or a social security number.

14 "Legally effective written release" means informed written  
15 consent or a release executed by an employee as a condition of  
16 employment.

17 "Private entity" means any individual, partnership,  
18 corporation, limited liability company, association, or other  
19 group, however organized. A private entity does not include a  
20 public agency. A private entity does not include any court of  
21 Illinois, a clerk of the court, or a judge or justice thereof.

22 "Public agency" means the State of Illinois and its various  
23 subdivisions and agencies, and all units of local government,  
24 school districts, and other governmental entities. A public  
25 agency does not include any court of Illinois, a clerk of the  
26 court, or a judge or justice thereof.